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#26

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In re application of :
Charles Caskey, et al :
Serial No. 08/060,463 : DECISION ON PETITION
Filed: May 12, 1993 :
For: MULTIPLEX GENOMIC DNA :
AMPLIFICATION FOR DELETION :
DETECTION :

This is a decision on the petition filed July 19, 1993, requesting that the above-identified application be treated as a proper continuation application under 37 CFR 1.62 and accorded a filing date of May 12, 1993.

On June 8, 1993, Application Branch mailed a Notice of Improper Filing stating that the application papers deposited May 12, 1993, were not in compliance with 37 CFR 1.62 since the prior application was abandoned, or proceedings terminated on October 2, 1991.

In response, on July 19, 1993, the present petition was filed. Petitioners indicate that when the continuing application was deposited, it inadvertently referred to the grandparent application and should have referred to parent application Serial No. 07/770,742. Petitioners explain that the listing of the prior applications were reversed. Accordingly, petitioners request that the application be accorded a filing date of May 12, 1993. Further, petitioners request that the petition fee be refunded since the application was complete as filed.


Applicants are responsible for clearly identifying the serial number and filing date of the prior application when requesting an FWC application. As this was not done, the present petition was necessary to correct applicants' filing error. Therefore, the petition fee will not be refunded.

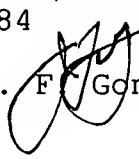
Since it is now clear that applicant intended to file a continuation application under 37 CFR 1.62 of prior application Serial No. 07/770,742, on petition, the papers deposited on May 12, 1993, will be so construed.

The petition is granted.

The application is being forwarded to the Office of Finance for charging the \$130.00 petition fee to counsel's deposit account No. 06-2375 as authorized in the petition.

Thereafter, the application will be returned to Application Branch for further processing with a filing date of May 12, 1993, as a continuation application under 37 CFR 1.62 of prior application Serial No. 07/770,742.


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